

FACT SHEET

United States Environmental Protection Agency (EPA)
Region 10
Park Place Building, 13th Floor
1200 Sixth Avenue, OW-130
Seattle, Washington 98101

NOTICE OF PROPOSED MODIFICATION OF NATIONAL POLLUTANT
DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS TO
DISCHARGE TO WATERS OF THE UNITED STATES,
*INCLUDING SPECIAL PROVISIONS CONTROLLING
THE USE OF MUNICIPAL SLUDGE AS REQUIRED
IN SECTION 405 OF THE WATER QUALITY ACT OF 1987, and
NOTICE OF STATE CERTIFICATION

NPDES Permit Number: ID-002044-3, Lander St. Treatment Plant
Public Notice Issuance Date: August 17, 2000
Public Notice Expiration Date: September 18, 2000
Technical Contact: Madonna Narvaez 206/553-1774
1-800-424-4372 (within Alaska, Idaho, Oregon and Washington)
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EPA Proposes NPDES Permit Modification.

EPA proposes to modify a *National Pollutant Discharge Elimination System* (NPDES) Permit for the City of Boise, Idaho.

This Fact Sheet includes:

- information on public comment, public hearing, and appeal procedures
- detailed technical material supporting the conditions in the permit

The State of Idaho Proposes Certification and Consistency Determination.

The Idaho Department of Environmental Quality (IDEQ) proposes to certify the NPDES permit modifications for the City of Boise, Lander Street Wastewater Treatment Facility, under section 401 of the Clean Water Act.

Public Comment.

EPA will consider all comments before issuing the final permit modifications. Those wishing to comment on the draft permit modifications may do so in writing by the expiration date of the Public Notice. A request for public hearing must state the nature of the issues to be raised as well as the requester's name, address and telephone number. After the Public

Notice expires, and all significant comments have been considered, EPA's regional Director for the Office of Water will make a final decision regarding permit modification.

Persons wishing to comment on State Certification should submit written comments by the Public Notice expiration date to the Idaho Department of Environmental Quality (IDEQ) at Regional Administrator, 1445 Orchard St., Boise, Idaho 83706. A copy of the comments should also be submitted to EPA.

If no significant comments are received, the tentative conditions in the draft modified permits will become final, and the draft permits will become effective upon issuance. If comments are received, EPA will address the comments and issue the draft permits. The permits will become effective 33 days after the issuance date, unless an appeal is filed with the Environmental Appeals Board within 33 days.

Documents are Available for Review.

The draft NPDES permit and related documents can be reviewed or obtained by visiting or contacting EPA's Regional Office in Seattle between 8:30 a.m. and 4:00 p.m., Monday through Friday (See address below). The fact sheet and draft permit may also be viewed electronically at www.epa.gov/r10earth/water.htm.

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The Fact Sheets and draft permits are also available at:

EPA Idaho Operations Office
1435 North Orchard Street
Boise, Idaho 83706
(208) 378-5746

TECHNICAL INFORMATION

1. SUMMARY OF MODIFICATIONS

The intent of this proposed modification of the permit is to address concerns raised in a permit appeal filed November 1, 1999 by the City of Boise. Under the newly-revised National Pollutant Discharge Elimination system (NPDES) permit regulations, 40 CFR § 122.19 (recently published at 65 FR 30911), all permit appeals must be taken directly to the Environmental Appeals Board (“EAB”). EPA returned the request for an evidentiary hearing without prejudice to the City on July 13, 2000. Under the new rules, the City was required to resubmit an appeal of its two NPDES permits directly to the EAB no later than August 14, 2000.

In an effort to resolve the appeal, EPA agreed to propose certain modifications as well as corrections to limits and address typographical errors contained in the permits. As a result of the permit appeal, information was presented that had not been available at the time the permit was being developed. Accordingly, this permit is being modified according to the requirements of 40 CFR Part 124.5 for the reasons specified in 40 CFR Part 122.62. Renumbering of Permit Parts, where necessary, has been done without being noted.

2. DESCRIPTION OF THE FACILITY

The city of Boise owns and operates the Lander Street treatment facility that treats wastewater from both domestic and industrial sources (SIC 4952). This facility is one of two wastewater treatment facilities serving Boise, Bench Sewer District, Garden City, West Boise Sewer District and Northwest Boise Sewer District. The Lander treatment facility diverts all flows in excess of 10 to 15 million gallons per day (mgd) to the West Boise Treatment Plant due to hydraulic limitations of 15 mgd nominal capacity at the Lander facility. The Lander facility discharges secondary treated, disinfected (using ultraviolet treatment), wastewater to the main stem of the Boise River. Sludge is thickened by air flotation and primary/secondary anaerobic digestion and pumped to the West Boise facility for further treatment and recycling through land application.

3. RECEIVING WATER

The Lander Street Facility discharges throughout the year to the Boise River at approximate river mile 49.7. The state of Idaho Water Quality Standards and Wastewater Treatment requirements (IDAPA 16.01.02.140.12.) protect the Boise River at this segment, SW-5 for the following existing uses: agricultural water supply, cold water biota, salmonid spawning, and primary contact recreation.

4. REGULATORY AUTHORITY

A. State of Idaho Water quality Standards and Limitations

Section 301(b)(1) of the Act requires the establishment of limitations in permits necessary to meet water quality standards by July 1, 1997. All discharges to State waters must comply with state water quality standards, including the state's antidegradation policy.

B. Section 308 of the Clean Water Act

Under section 308 of the Act and under 40 CFR Part 122.44(i), the Director must require a discharger to conduct monitoring to determine compliance with effluent limitations and to assist in the development of effluent limitations.

5. SPECIFIC PERMIT CONDITIONS

This modification of the existing permit NPDES Permit No. ID-002044-3, Lander St. Treatment Plant, is based on new information developed as a result of the permit appeal.

6. REMOVALS, ADDITIONS, CLARIFICATIONS

a. Removal of Language

- i. Part I.A.2., cadmium limit: In recalculating the criteria for cadmium based on effluent hardness, there was no reasonable potential to exceed the criteria demonstrated. The limit for cadmium was inadvertently left in the final permit; it has been removed from the proposed modification.
- ii. Part I.D.4.b., concerning transfer of biosolids when the recipient facility is not in compliance is redundant with other permit provisions. This paragraph has been deleted from the draft permit. The previous Part I.D.4.c. has been renumbered as Part I.D.4.b.
- iii. Part I.E.6.: The sentence beginning "The 'maximum allowable headworks loadings' shall be the maximum. . ." has been deleted from the permit. Based upon discussions with the City, EPA has determined that the current method the City uses to calculate maximum allowable headworks is adequate.

- iv. Part I.E.6.: The term “enforceable” has been removed from the last sentence of that paragraph. The intent of that sentence had been to insure timely implementation of any local limits that might be promulgated.

b. **Additions**

- i. Metals compliance schedule: Subject to certification by IDEQ, Part I.A.2. has been modified to include a two-year schedule of compliance for lead. During this two-year compliance schedule, the City will develop and implement a one-year study plan to generate additional data to be used in a reasonable potential to cause or contribute to an exceedance of water quality standards process for lead and other metals such as copper.
- ii. Quarterly progress report for lead compliance schedule, Part I.A.2.: In accordance with 40 CFR § 122.47(a)(3), the draft permit requires a quarterly report of progress made with meeting the interim and final requirements.
- iii. Interim permit limits for lead, Part I.A.2.: Interim average monthly limits for lead were established based on the 99th percentile of current discharge. This method is consistent with the method used to establish interim copper limits.
- iv. Pretreatment, Part I.E.6.: The compliance schedule to submit the results of local limits evaluations has been extended to one year from the effective date of the permit.
- v. Part I.E.6., concerning the pretreatment local limits evaluation, has been modified. The following third sentence in the paragraph has been added: “EPA and the permittee shall cooperate to develop mutually agreeable study methods prior to initiation of the study.”
- vi. Pretreatment, Part I.E.6.: In order to better define the components of the local limits evaluations, the following requirements have been added to the permit. “The local limits study shall include a ‘key manhole’ sampling program to characterize potential sources of contaminants within the collection system. If the permittee encounters elevated levels of metals in any of its key manhole studies, the permittee shall undertake further investigation to ascertain the source of the metals.”

c. Clarifications

- i. Lead minimum level (ML): Part I.A.6. has been modified to reflect the published ML for lead of 5 Fg/L.
- ii. Metals monitoring: Footnote 4 in Part I.B.1. has been modified to be consistent with the requirements at Part I.B.2., i.e., metals monitoring quarterly for three years and monthly thereafter.
- iii. Whole Effluent Toxicity (WET) mixing zone: The threshold when chronic toxicity testing requirements are triggered (Part I.B.4.d.) have been modified to be consistent with the response to comments. That is, the 50 percent mixing zone assumption used was increased to 75 percent. Accordingly, Part I.B.4.e.(1), the seasonal receiving water concentrations have been changed.
- iv. Toxicity reduction evaluation (TRE) trigger: The final TRE trigger in Part I.B.4.h. has been changed to 2 of 6 from 1 of 6 to conform to the original draft permit.
- v. River sampling method: Based on language supplied by the City, the term “continuous” was removed from Part I.C.4. and replaced with the phrase “USGS Equal Width Increment monitoring method.” This phrase reflects the actual type of monitoring being conducted by the City.
- vi. Upstream flow monitoring, Footnote “*”, Part I.C.5.: The permit has been modified to clarify that the current method for calculating upstream flows is sufficient. A requirement has been added for the City to provide with their discharge monitoring report (DMR) a description of the calculations used to determine upstream flow.
- vii. Arsenic metal form, Part I.B.5: The incorrect method for monitoring arsenic was specified as dissolved. The permit has been modified to require the total method of analysis.
- viii. Quarterly reporting dates: Part I.C.8. has been corrected to require March 15 instead of February 15th as one of the quarterly reporting dates.
- ix. Design criteria, Part I.G.: The permit has been modified to increase the BOD and TSS loading values to an annual average of 29,100 lbs/day.

- x. Influent monitoring: Based on further examination of the physical layout of the treatment process at the Lander Street facility, Part II.A.3., “Influent Monitoring,” has been modified by replacing the term “any” with “significant.”

7. OTHER LEGAL REQUIREMENTS

a. **State Water Quality Standards and State Certification**

The provisions of section 401 of the Clean Water Act apply. In accordance with 40 CFR § 124.01(c)(1), public notice of the proposed permit modification has been provided to the State of Idaho and Idaho state agencies having jurisdiction over fish and wildlife resources.

b. **Endangered Species Act**

An endangered species list was requested by EPA and received from the U.S. Fish and Wildlife Service and the National Marine Fisheries Service on April 5, 1993. An updated species list was received on July 5, 1994. One listed species, the Bald Eagle was included as a potentially species in the area of the Boise wastewater treatment facilities discharge. No other species were listed. Nothing in this proposed permit modification is expected to impact the Bald Eagle.